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MISCELLANY.

Virginia Board of Law Examiners.**Roanoke, Va., June 28, 1911.****QUESTIONS.**

1. How is the constitutionality of a law finally determined?
2. State the rule as to the assignability of executory contracts, and exception to the rule, if any.
3. Are there any exceptions to the rule that a contract valid by the law of the place where made is valid everywhere?
4. To whom do growing crops upon land pass upon the death of the owner—
 - (a) Where there is a devise of the land?
 - (b) In the absence of a devise?
5. A steals money and also a horse from B and transfers both the money and the horse to C, who receives both without any knowledge of the theft, and in due course of business. What are C's rights against B?
6. A livery stable keeper, having charge of a horse belonging to B, tied it in the usual and customary manner, but the horse got loose in the night and was injured by being kicked by another horse. Is the livery stable keeper liable to B for the injury to horse? Give reason for your answer.
7. When a tenant wrongfully abandons the leased premises before the termination of his lease, what are the rights of the landlord?
8. A rented a house to B for one year. Shortly after B entered the premises, the floor fell through with him to the basement, by reason of defective construction, and he was badly injured. A had no knowledge of the defects. Is A liable to B for the injuries sustained? Give reason.
9. A wife obtains a divorce from her husband on account of the misconduct of the husband. The decree in the case awards her the custody of the minor children, but no question as to their support is raised or passed on. The wife expends a considerable sum in the support of the children and sues the husband to recover the amount. Can she recover?
10. A husband notifies a groceryman not to sell groceries to his wife on his account. The groceryman ignores his directions and sells groceries to the wife, which are consumed by the husband and his family. Is the husband liable for the price of the groceries?
11. Omitted.

12. What is meant by "proximate cause" in connection with the law of negligence?

13. A invites his friend, B, to take a ride with him in his buggy. While crossing the track of the Norfolk & Western Railway Company in the city, the buggy was struck by an engine and train of the railroad company, running at a speed largely in excess of the city ordinance, without giving any signals of its approach. B was blind. A, who was driving the buggy, did not look and listen as he approached the track. Both men were thrown from the buggy and badly hurt. Both sued the railroad company to recover damages for their injuries. Are both, or either, entitled to recover?

14. A driver in charge of a wagon invites a child to ride with him. While alighting from the wagon, the child is hurt by the driver's negligence. Is the owner of the wagon liable?

15. Omitted.

16. A has a judgment against B upon which an execution is issued and is levied upon property by the officer. The property is sold and purchased by A, and the execution returned by the officer marked "satisfied." Subsequently C sues A and recovers the property. What are A's rights, if any?

17. What is meant by "constructive possession of land?"

18. A takes adverse possession of a tract of land claimed by B. Subsequently B dies and leaves children under age. Does their non-age check the running of the statute of limitations?

19. Omitted.

20. A leaves a will in which he devised his real estate to his wife for life, and at her death to his son, B, provided he paid the wife \$1,000 within a reasonable time after his (the testator's) death. B made a will in which he devised the land to his children, and died before the wife, without having paid the \$1,000. Did B's will pass title to the property to the children?

21. State the doctrine of equitable conversion.

22. A proprietor of a saw-mill on a stream threw saw-dust into the stream. The saw-dust discolored the water and gave it an offensive odor. Live stock, in some instances, refused to drink the water, and it was rendered less fit for domestic purposes. Is such a use of the stream a violation of the rights of a lower riparian proprietor? If so, why and what remedy has he?

23. A gratuitously agrees to purchase a tract of land for B, but purchases on his own account. Can A hold the land against B?

24. In a policy of insurance issued by a fire insurance company to A upon certain property owned by him, it is provided that the existence of an incumbrance upon the property shall avoid the policy. There was a judgment which was a lien upon the property at

the time the policy was issued, which was not known by the insurer, but which was paid off and satisfied by A before the loss. Can A recover in case of loss by fire?

25. A draws a check for \$500 in favor of B on the National Exchange Bank of Roanoke. B endorses and transfers the check, for value and without notice of any infirmity in the check, to C. Subsequently A notifies the bank that the check was obtained by fraud by B. Is the bank right in refusing payment to C?

26. John Smith, an attorney at law, sold land belonging to his client, and the purchaser executed his two negotiable notes for the purchase price payable to "John Smith, Attorney," which notes were endorsed by him in like style before maturity to Samuel Smiles in payment of a debt due by Smith to him. When the notes fell due they were paid to Smiles. Upon discovering this, Smith's client sued Smiles to recover the amount paid him by the purchaser of the property. Is he entitled to recover in the suit?

27. One of three partners in the grocery business bought a farm and executed the note of the firm for the purchase price. When the note fell due, the vendor sued the firm upon the note. Did the other two members of the firm have a good defense?

28. What remedy has a stockholder who is wrongfully refused an inspection of the books and papers of the corporation?

29. What relation do the directors of a corporation sustain to the affairs of the corporation, and how are they required to act?

30. A solicits and advises B to kill C, but by mistake he kills D. Is A guilty of any crime?

31. A makes an assault on B, which is returned. In the course of the encounter B procures a large stone, and when in the act of throwing the stone at A is shot and killed by C, a brother of A. C is indicted and endeavors to defend on the ground of his brother's peril. How far will the defense avail him, if at all?

32. A is indicted for selling grape wine without license, contrary to the statute. He defends on the ground that he made the wine from grapes grown by himself, that he did not know that it was a violation of law, and thought that he had the right to sell wine of his own make. Is the defense good?

33. When is evidence of the dangerous character of deceased in a murder case admissible?

34. In an action for injuries to a child by a street car, a witness for the plaintiff testified that he saw the child on the track and the car approaching rapidly, and exclaimed: "Look at the fool, he will run over that little girl!" The witness was traveling along the sidewalk. The remark was made some distance away from the car and child and was not heard by either the child or motorman. The

evidence was admitted over the defendant's objection. Was it error to admit the evidence?

35. Upon the trial of an action for personal injury, the plaintiff introduced a witness who was familiar with the place where plaintiff was injured, and asked him this question. "Please state whether or not in your opinion the place where plaintiff was put to work was reasonably safe." Counsel for defendant objected to the question. What should the ruling of the court be?

36. Omitted.

37. A owns real estate, but no personal property, and dies largely indebted. Give the character of the suit, parties defendant, and the several steps to be taken by the creditors to secure the payment of their debts?

38. What remedy has the plaintiff or defendant in case the declaration or other pleading does not give sufficient notice of the character of the claim or defense?

39. Give an illustration of special appearance and state how the right to appear specially may be waived?

Successful Applicants.

Following is a list of the successful applicants for license to practice law in Virginia:

Adkin, Hartwell Stansbury	Lexington, Va.
Ammons, Richard Allen	Richmond, Va.
Arnold, V. L.	Waverly, Va.
Blanton, William Frank	Miami, Fla.
Bowie, Willing	Mica, Va.
Brand, J. Stewart	Washington, D. C.
Broudy, Jesse Louis	Norfolk, Va.
Brown, John Frioli	Lexington, Va.
Brown, W. Duval	Arrington, Va.
Burnett, Walter Roscoe	Roanoke, Va.
Burton, F. P.	Stuart, Va.
Buskey, Lylle Repiton	University of Virginia.
Campbell, Jr., John Lyle	Lexington, Va.
Carter, Roy W.	Orange, Va.
Clarke, William Forman	Lexington, Va.
Cole, Oswald Lee	Richmond, Va.
Duvall, Frederick G.	Norfolk, Va.
Freeland, William Leonard	Roanoke, Va.
Garrett, Roland	Richmond, Va.
Gill, Raymond Willis	Petersburg, Va.
Gilliam, Herbert Bragg	Petersburg, Va.
Grant, Charles S.	University of Virginia.
Graveley, Page Keen	Rocky Mount, N. C.

Gregory, Herbert Bailey	Roanoke, Va.
Harrison, Jr., D. A.	Disputanta, Va.
Hutton, John K.	Roanoke, Va.
Ingram, John L.	Richmond, Va.
Irving, J. T.	Howardsville, Va.
Jones, Jr., Allen Carter	Newport News, Va.
Kirsh, Alfred, J.	Richmond, Va.
Knote, George Thurman	Lexington, Va.
Martin, James G., Jr.	Norfolk, Va.
May, Irving	Richmond, Va.
Mills, Cary O.	Fredericksburg, Va.
Moffett, William F.	Washington, Va.
Moomaw, John Crouse	Cloverdale, Va.
McNeil, Daniel Walter	Lexington, Va.
Nellist, Merle Francis	Chula, Va.
Nunnally, Joseph Courtney	Richmond, Va.
Nicholson, Joseph	Lexington, Va.
Page, R. J. B.	Norfolk, Va.
Parker, Vincent L.	Portsmouth, Va.
Pendleton, Lewis Smith	Cuckoo, Va.
Phipps, H. W.	University of Virginia.
Pickford, Roy H.	University of Virginia.
Pierson, Leonard Froster	University of Virginia.
Putnam, M. J.	Griffith, Va.
Rabey, Cleaton Edward	Deanes, Va.
Reid, Henry Smith	Oriskany, Va.
Rixey, John S.	Charlottesville, Va.
Rucker, Wooster Dudley	Lexington, Va.
Ruff, R. R.	Lexington, Va.
Russell, Robert A.	Rustburg, Va.
Saunders, J. R.	Suffolk, Va.
Schein, Samuel Bernard	Lynchburg, Va.
Schmidt, Carl O.	Wheeling, W. Va.
Schmidtt, William A.	Yazoo City, Miss.
Shelton, S. W.	Rockville, Va.
Smith, L. J.	Los Angeles, Cal.
Sommerville, James A.	Newport News, Va.
Tabb, John H.	Yan ni, Va.
Taylor, Walton R. L.	Norfork, Va.
Tinsley, Douglas Goode	Winston-Salem, N. C.
Tomlinson, D. Robert	Richmond, Va.
Watson, J. Thomas	Danville, Va.
Willis, James Houston	Lexington, Va.
Winborne, Roger Merrifield	Roanoke, Va.
Wilson, Robert Archer	Norfolk, Va.
Wood, L. W.	Charlottesville, Va.

Revision of the Rules of Practice for the Courts of Equity of the United States.—The Supreme Court of the United States desires to consider the subject of revising the Equity Rules, and in connection with that subject the reformation of pleading and practice in equity cases in the courts of the United States, to the extent that that matter is subject to the Court's authority under sections 913 and 917 of the Revised Statutes of the United States. The Court, therefore, prior to its adjournment for the term appointed a committee from among its membership with directions to consider and report such changes as the committee may conclude would, if adopted, tend to the simplification of pleading and practice and the correction of any unnecessary delay or unreasonable cost resulting from practices under the rules as they now exist.

The committee thus appointed is advised that the subject-matter which it is appointed to consider has been for some time under investigation by a committee of the American Bar Association, and of course it will gladly receive and consider any definite suggestion which that committee may deem it proper to make as the result of its work.

Desiring, however, before it makes its report to the Court, to have the benefit of every possible suggestion from all sources, the committee appointed by the Court earnestly requests the co-operation of the several Circuit Courts of Appeal of the United States. To this end it ventures to suggest that each of those courts appoint a committee of at least three from their respective Bars to prepare and suggest such changes in pleading and practice in equity in the courts of the United States as such committee may deem it would be wise to adopt, and when the changes are put into definite shape, to file the same with the secretary of this committee at the earliest possible moment, certainly on or before the first day of November next.

While not desiring to exclude any definite suggestion from any judge or from any member of the Bar, the committee hopes, in order to avoid complexity, that any suggestion which it is thought best to make may be forwarded through the instrumentality of the committee of the Bar to be appointed by the respective Circuit Courts of Appeal, as above requested.

(Signed)

EDWARD D. WHITE,
HORACE H. LURTON,
WILLIS VAN DEVANTER.

Committee of the Supreme Court of the United States.
Address all communications to
Wm. J. HUGHES, *Secretary*,
Care of Supreme Court of the United States,
Washington, D. C.